

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES V. JONES §
VS. § CIVIL ACTION NO. 1:09-CV-128
JORGE RAMON §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff James V. Jones, a prisoner confined at the Gregg County Jail, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Jorge Ramon. The defendant is a correctional officer employed at the Gregg County Jail.

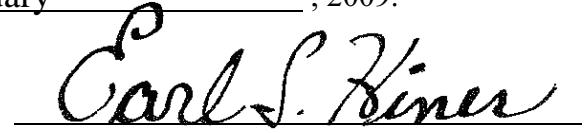
Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff complains that the defendant used excessive force against him while he was confined at the Gregg County Jail. The Gregg County Jail is located in the Tyler Division of the United States District Court for the Eastern District of Texas. However, this case was filed in the Beaumont Division. The court has considered the circumstances and has determined that the interests of justice would best be served if the complaint were transferred to the division in which the claim arose and where the defendant resides. Therefore, the case should be transferred to the Tyler Division of the Eastern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 2 day of February, 2009.


Earl S. Hines
EARL S. HINES
UNITED STATES MAGISTRATE JUDGE